CLERK'S COPY.

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1918.

No. 167

GIUSEPPE CAVALLARO, PETITIONER,

vs.

STEAMSHIP "CARLO POMA," HER ENGINES, &c.; KINGDOM OF ITALY, CLAIMANT.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT.

PETITION FOR CERTIORARI FILED AUGUST 22, 1918.

CERTIORARI AND RETURN FILED NOVEMBER 7, 1918.

(27,206)

(27,266)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1919.

No. 511.

GIUSEPPE CAVALLARO, PETITIONER,

vs.

STEAMSHIP "CARLO POMA," HER ENGINES, &c.; KINGDOM OF ITALY, CLAIMANT.

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT.

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JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C., FEBRUARY 13, 1920.

a United States Circuit Court of Appeals for the Second Circuit.

GIUSEPPE CAVALLARO, Libellant-Appellant,

against

STEAMSHIP "CARLO POMA," Her Engines, etc., Respondent-Appellee.

TRANSCRIPT OF RECORD.

Appeal from the District Court of the United States for the Southern District of New York.

1 United States District Court, Southern District of New York.

GIUSEPPE CAVALLARO, Libellant-Appellant,

against

STEAMSHIP "CARLO POMA," Her Engines, etc., Respondent-Appellee.

Statement.

September 26, 1918. Libel filed.
September 28, 1918. Certificate of Italian Ambassador (Suggestion) filed.
September 28, 1918. Order staying execution of process entered.
October 14, 1918. Notice of Appeal filed.
December 16, 1918. Assignments of Error filed.

2 *Libel.*

To the Honorable the Judges of the United States District Court for the Southern District of New York:

The libel and complaint of Giuseppe Cavallaro against the Steamship Carlo Poma, her engines, boilers, etc., in a cause of cargo damage, civil and maritime, alleges and respectfully shows to this Honorable Court as follows:

First. Your libellant is engaged in business as an importer and dealer in fruits, with an office and place of business at No. 204 Franklin Street, in the Borough of Manhattan, City, County and State of New York, and at all the times hereinafter mentioned was the owner of the shipments of fruit hereinafter described.

Second. At all the times hereinafter mentioned the said steamship Carlo Poma was a general ship engaged in the common carriage by water of merchandise for hire between the ports, among others, of Messina, in the Kingdom of Italy, and the Port of New York.

Third. That the said steamship Carlo Poma, with her engines, boilers, etc., is now, or during the pendency of process hereunder, will be, within the Southern District of New York and within the jurisdiction of this Honorable Court.

Fourth. That on or about or prior to the 5th day of June, 1918, there were received by and placed on board the said steamship Carlo Poma, then lying at the port of Messina, in the Kingdom of Italy, and bound for the port of New York, ten thousand, seven hundred and twelve (10,712) boxes of lemons, in good order and con-
3 dition, to be carried by the said steamship Carlo Poma to the port of New York, and there to be delivered in like good order and condition as when shipped unto this libellant in consideration of the payment of certain agreed freight and in accordance with the valid terms of certain bills of lading then and there signed and delivered to the shipper thereof by the duly authorized representatives of the said steamship Carlo Poma.

Fifth. Thereafter and on or about the said 5th day of June, 1918, the said steamship Carlo Poma, having on board the above mentioned merchandise, consisting of ten thousand, seven hundred and twelve (10,712) boxes of lemons, sailed from the said port of Messina and later arrived, but not in due course, to-wit: on or about the 16th day of September, 1918, at the port of New York, and made delivery of said merchandise, but not in like good order and condition as when shipped, but seriously injured and damaged by and through the negligence of the said steamship Carlo Poma, her owners and charterers, in respect of the loading, stowage, custody and care of the said merchandise, and by and through the unseaworthiness of the said steamship Carlo Poma and the unsuitability of the said steamship for her said voyage and the carriage of the cargo above mentioned.

Sixth. Prior to the arrival of the said steamship Carlo Poma at the port of New York, as aforesaid, this libellant was and still remains the lawful owner of the said shipment consisting of said ten thou-
4 sand, seven hundred and twelve (10,712) boxes of lemons and entitled to the delivery thereof, in accordance with the agreement above set forth.

Seventh. By reason of the failure of the said steamship Carlo Poma to deliver the said cargo in like good order and condition as when received, and by reason of the damage aforesaid, your libellant has sustained damage in the sum of Sixty thousand dollars ($60,000) as nearly as the same can now be estimated, no part of which has been paid, although duly demanded.

Eighth. All and singular the premises are true and are within the Admiralty and Maritime jurisdiction of the United States and of this Honorable Court.

Wherefore, libellant prays that process in due form of law, according to the course and practice of this Honorable Court in causes of admiralty and maritime jurisdiction, issue against the said steam-

ship Carlo Poma, her engines, boilers, etc., and that all persons having or claiming any interest therein be cited to appear and answer all and singular the matters aforesaid; that this Honorable Court may be pleased to decree to your libellant its damages, with interest and costs, and that the steamship Carlo Poma, her engines, boilers, etc., be condemned and sold to satisfy the same, and that your libellant may have such other and further relief as in law and justice it may be entitled to receive.

HARRINGTON, BIGHAM & ENGLAR,
Proctors for Libellant.

Office & Post-Office Address, No. 64 Wall Street, Borough of Manhattan, City of New York.

5 STATE OF NEW YORK,
City of New York,
County of New York, ss.:

Giuseppe Cavallaro, being duly sworn, deposes and says:
That he is the libellant herein; that he has read the foregoing libel and that the same is true to the best of his knowledge, information and belief.

GIUSEPPE CAVALLARO.

Sworn to before me this 26th day of September, 1918.

PHILIP MAUSEALEO,
Notary Public, Kings County.

Certificate filed in New York County,
County Clerk's No. 255,
Register's No. 9226.

6 *Suggestion.*

No. 753.

United States of America.

Department of State,

To all to whom these presents shall come, Greeting:

I certify that Count V. Macchi Di Cellere, whose name is subscribed to the paper hereto annexed, is duly accredited to this Government as Ambassador Extraordinary and Plenipotentiary from the Kingdom of Italy.

In testimony whereof, I, Robert Lansing, Secretary of State, have hereunto caused the Seal of the Department of State to be affixed and my name subscribed by the Chief Clerk of the said Department, at the City of Washington this 26th day of September, 1918.

ROBERT LANSING,
Secretary of State,

[SEAL.] By BEN. G. DAVIS,
Chief Clerk.

For the contents of the annexed document the Department assumes no responsibility.

7 Royal Italian Embassy.

Count V. Macchi Di Cellere, Ambassador of the Kingdom of Italy to the United States of America, through Burlingham, Veeder, Masten & Fearey, proctors appearing specially for the Italian Steamship Carlo Poma, respectfully suggests to the District Court of the United States for the — District of New York, that said steamship Carlo Poma at all the times mentioned in the libel was, and now is, owned by the Government of the Kingdom of Italy, being registered in the name of the Italian State Railways, a branch of said Government, and in the possession of the Government of the Kingdom of Italy, in the person of a master employed and paid by said Government and my name subscribed by the Chief Clerk of the said Department, and wholly manned and operated by a crew employed and paid by said Government, which said steamship is to transport back to Italy a cargo belonging to the Government of the Kingdom of Italy.

Wherefore, it is respectfully suggested and prayed that said steamship be released from any seizure made and declared immune from process.

Done at the Embassy of the Kingdom of Italy, Washington, D. C., September —, 1918.

MACCHI DI CELLERE.

[Seal Italian Embassy.]

8 *Order.*

At a Stated Term of the District Court of the United States, held in and for the Southern District of New York, at the United States Court House and Post Office Building, in the Borough of Manhattan, City of New York, on the 28th day of September, 1918.

Present: Honorable Charles M. Hough, Circuit Judge.

GIUSEPPE CAVALLARO, Libellant,

against

STEAMSHIP "CARLO POMA," Her Engines, Boilers, &c.

It appearing that a libel was filed herein on September 27th, 1918, praying that process issue against the steamship Carlo Poma, her engines, boilers, etc., and that said process having issued to the Marshal for the Southern District of New York, and Burlingham, Veeder, Masten & Fearey, appearing specially on behalf of the Royal Italian Ambassador for the steamship Carlo Poma, having moved this Court for an order staying the execution of said process,

Now, on reading and filing the process and the suggestions of the Royal Ambassador and High Commissioner of the Kingdom

of Italy, authenticated and visèd by the Secretary of State
9 of the United States whereby it appears that the said steamship Carlo Poma at all the times mentioned in the libel, was and now is owned by the Government of the Kingdom of Italy, registered in the name of the Italian State Railways, a branch of said Government, and in the possession of said Government, commanded and manned by a master and crew employed and paid by the said Government, and about to transport back to Italy a cargo belonging to said Government, and after hearing William P. Allen, Esq., of Burlingham, Veeder, Masten & Fearey, proctors appearing specially as aforesaid in support of said motion and D. Roger Englar, Esq., of Harrington, Bigham & Englar, proctors for libellant in opposition thereto, and due deliberation having been had thereon, and being of the opinion that this Court should not and will not take jurisdiction herein for the reason that said steamship Carlo Poma is represented to be public property of the Government of the Kingdom of Italy and in public use, such suggestion being made by the Ambassador of H. M. the King of Italy to the United States and not herein denied.

Now, on motion of Burlingham, Veeder, Masten & Fearey, proctors appearing specially on behalf of the Royal Italian Ambassador for the steamship Carlo Poma as aforesaid, it is

Ordered, that execution of said process of attachment be, and the same hereby is stayed.

Enter,

CHAS. M. HOUGH,
U. S. C. J.

10

Notice of Appeal.

United States District Court, Southern District of New York.

GIUSEPPE CAVALLARO, Libellant,

against

STEAMSHIP "CARLO POMA," Her Engines, Boilers, etc., Claimant.

SIRS:

You will please take notice that the libellant above named hereby appeals to the next United States Circuit Court of Appeals for the Second Circuit, to be holden in and for the said Circuit at the City of New York, in the Southern District of New York, from the order made and entered in the above entitled action and filed in the office of the Clerk of the United States District Court, Southern District of New York, on the 28th day of September, 1918, directing that execution of process of attachment be stayed and this appeal is taken from such each and every part of said order.

Dated New York, October 9, 1918.

HARRINGTON, BIGHAM & ENGLAR,
Proctors for Libellant.

Office & Post Office Address, 64 Wall Street, Borough of Manhattan, City of New York.

To: Burlingham, Veeder, Masten & Fearey, Esqs., Proctors for the S. S. Carlo Poma, 27 William Street, New York City.

11 *Assignments of Error.*

United States District Court, Southern District of New York.

GIUSEPPE CAVALLARO, Libellant,

against

STEAMSHIP "CARLO POMA," Respondent.

The libellant-appellant assigns errors to the findings of the District Court herein, as follows:

1. In that it found and ordered that the execution of process of attachment herein should be stayed.

2. In that it held that because the said steamship Carlo Poma was represented to be public property of the Government of the Kingdom of Italy, the attachment of said process should not be executed.

3. In that it held that because the steamship Carlo Poma was represented to be public property of the Government of the Kingdom of Italy, in public use, this Court should not and could not take jurisdiction.

4. In that, in spite of the fact that said steamship was carrying a cargo of merchandise for and belonging to private individuals, some of whom were residents in Italy and some of whom were residents of and citizens of the United States of America, and
12 some of whom were residents of Canada and subjects of his Britannic Majesty, on bills of lading regularly issued by Lagona & Co. the agents of said steamship, to be carried for an agreed freight payable to said Lagona & Co., the District Court held that the said steamship was not subject to attachment for damage to the said merchandise covered by said bills of lading on the ground that said steamship was represented to be the property of the Kingdom of Italy.

5. In that it failed to hold that as said steamship was carrying merchandise as a common carrier, for hire, it was subject to the jurisdiction of the Courts of the United States, particularly with respect to claims of its residents or citizens, arising out of said merchandise so carried, and that therefore said process of attachment should not be stayed but should be executed.

6. In that no representation was made to the District Court by the Government of the United States or any department thereof that the said ship was the property of the Kingdom of Italy,

7. In that no proper proof was adduced before the said District Court to show that the said ship was the property of the Kingdom of Italy.

HARRINGTON, BIGHAM & ENGLAR,
Proctors for Libellant.

Office & Post Office Address, No. 64 Wall Street, Borough of Manhattan, City of New York.

13 *Stipulation as to Exhibits.*

United States District Court, Southern District of New York.

GIUSEPPE CAVALLARO, Libellant-Appellant,

against

STEAMSHIP "CARLO POMA," Her Engines, etc., Respondent-Appellee.

It is hereby stipulated and agreed by and between the proctors hereto that libellant's Exhibit "A" being a bill of lading of certain goods contained in the cargo of the S. S. Carlo Poma on her voyage from Messina, Kingdom of Italy, to the port of New York, between the 7th day of June, 1918, and the 16th day of September, 1918, need not be printed with the record on the appeal in the above entitled case, but may be used and referred to by the respective proctors on the argument hereof.

Dated, New York, December 16th, 1918.

HARRINGTON, BIGHAM & ENGLAR,
Proctors for Libellant-Appellant.
BURLINGHAM, VEEDER, MASTEN & FEAREY,
Proctors for Respondent-Appellee,
Appearing Specially.

14 *Stipulation.*

United States District Court, Southern District of New York.

GIUSEPPE CAVALLARO, Libellant-Appellant,

against

STEAMSHIP "CARLO POMA," Her Engines, etc., Respondent-Appellee.

It is hereby stipulated and agreed by and between the proctors hereto that the foregoing is a true transcript of the record of the said District Court in the above entitled matter as agreed upon between the parties.

Dated, February 3rd, 1919.

HARRINGTON, BIGHAM & ENGLAR,
Proctors for Libellant-Appellant.
BURLINGHAM, VEEDER, MASTEN & FEAREY,
Proctors for Respondent-Appellee,
Appearing Specially.

15 *Clerk's Certificate.*

United States District Court, Southern District of New York.

GIUSEPPE CAVALLARO, Libellant-Appellant,

against

STEAMSHIP "CARLO POMA," Her Engines, etc., Respondent-Appellee.

UNITED STATES OF AMERICA,
Southern District of New York, ss:

I, Alexander Gilchrist, Jr., Clerk of the United States District Court for the Southern District of New York, do hereby certify that the foregoing is a correct transcript of the record of the District Court in the above entitled matter as agreed upon by the parties.

In testimony whereof, I have caused the seal of the said court to be affixed in the City of New York and the Southern District of New York, on the 3d day of February, in the year of our Lord one thousand nine hundred and nineteen, and of the independence of the said United States the one hundred and forty-third.

ALEXANDER GILCHRIST, JR.,
[SEAL.] *Clerk.*

16 United States Circuit Court of Appeals for the Second Circuit
October Term, 1918.

No. 234.

GIUSEPPE CAVALLARO, Libellant-Appellant,

v.

SS. CARLO POMA, Her Engines, etc.; Kingdom of Italy, Claimant-Appellee.

Argued April 16, 1919; Decided May 14, 1919.

Appeal from the District Court of the United States for the Southern District of New York.

Before Ward, Rogers and Manton, Circuit Judges.

Harrington, Bigham & Englar, for Libellant-Appellant.
Burlingham, Veeder, Masten & Fearey, for SS. Carlo Poma.

Ward, *Circuit Judge:*

This is a libel filed against the Italian steamer Carlo Poma by Cavallaro, the shipper of 10,712 boxes of lemons from Messina to

New York, delivered in a damaged condition, owing as alleged to negligence in loading, stowage, custody and care, as well as to unseaworthiness of the steamer.

The Italian Ambassador suggested to the court:

17 "Count V. Macchi Di Cellere, Ambassador of the Kingdom of Italy to the United States of America, through Burlingham, Veeder, Masten & Fearey, proctors appearing specially for the Italian Steamship Carlo Poma, respectfully suggests to the District Court of the United States for the — District of New York, that said Steamship Carlo Poma at all the times mentioned in the libel was, and now is, owned by the Government of the Kingdom of Italy, being registered in the name of the Italian State Railways, a branch of said Government, and in the possession of the Government of the Kingdom of Italy, in the person of a master employed and paid by said Government, and wholly manned and operated by a crew employed and paid by said Government, which said steamship is to transport back to Italy a cargo belonging to the Government of the Kingdom of Italy.

Wherefore, it is respectfully suggested and prayed that said steamship be released from any seizure made and declared immune from process.

Done at the Embassy of the Kingdom of Italy, Washington, D. C., September —, 1918.

MACCHI DI CELLERE.

[Seal Italian Embassy.]"

This suggestion was accompanied by the following certificate from the Secretary of State:

"To all to whom these presents shall come, Greeting:

I certify that Count V. Macchi Di Cellere, whose name is subscribed to the paper hereto annexed, is duly accredited to this Government as Ambassador Extraordinary and Plenipotentiary from the Kingdom of Italy.

In Testimony Whereof, I, Robert Lansing, Secretary of State, have hereunto caused the Seal of the Department of State to
18 be affixed and my name subscribed by the Chief Clerk of the said Department, at the City of Washington this 26th day of September, 1918.

[SEAL.]

ROBERT LANSING,
Secretary of State,
By BEN. G. DAVIS,
Chief Clerk.

For the contents of the annexed document the Department assumes no responsibility."

Proctors for the Kingdom of Italy, appearing specially, moved for an order staying the execution of process. This is an appeal from the order of Judge Hough granting the motion.

That the suggestion was sufficient proof of the statements contained in it is not seriously contested. We accept it as verity.

We are concerned in this case only with property of a foreign sovereign. The appellant contends that a vessel of a foreign sovereign not being a war vessel or at the time performing public duties but engaged in carrying cargo commercially is not entitled to immunity from suit. The English courts go the whole way in refusing process against property of a foreign sovereign under any circumstances. This because of the international comity due from one sovereign to another. The Parlement Belge, Law Reports, 5 P. D. 197; The Jassy (1906) P. 270.

The law of the United States is the same except that the immunity of property of a sovereign, whether the United States or a foreign sovereign, depends not merely upon the ownership but also upon the actual possession by the sovereign of the property at the time process is served, The Davis, 10 W. 15; Long v. The Tampico, 15 Fed. Rep., 491; The Attualita, 238 Fed. Rep., 909.

19 This general rule of law is not affected by the consideration suggested by the appellant that the United States has by Section 9 of the U. S. Shipping Act of September 7, 1916, provided:

"* * * Every vessel purchased, chartered, or leased from the board shall, unless otherwise authorized by the board, be operated only under such registry or enrollment and license. Such vessels while employed solely as merchant vessels shall be subject to all laws, regulations, and liabilities, governing merchant vessels, whether the United States be interested therein as owner, in whole or in part, or hold any mortgage, lien, or other interest therein. * * *"

The vessels referred to are such as are operated not by the Government but by persons who have "purchased or leased or chartered" them from the Government. The language of Section 11 confirms this view:

"Sec. 11. That the board, if in its judgment such action is necessary to carry out the purposes of this Act, may form under the laws of the District of Columbia one or more corporations for the purchase, construction, equipment, lease, charter, maintenance, and operation of merchant vessels in the commerce of the United States. * * * The board, with the approval of the President, may sell any or all of the stock of the United States in such corporation, but at no time shall it be a minority stockholder therein: Provided, That no corporation in which the United States is a stockholder, formed under the authority of this section, shall engage in the operation of any vessel constructed, purchased, leased, chartered, or transferred under the authority of this Act unless the board shall be unable, after a bona fide effort, to contract with any person a citizen of the United States for the purchase, lease, or charter of such vessel under such terms and conditions as may be prescribed by the board."

20 Process against such vessels would not disturb the possession of the Government.

It follows from these principles that the order appealed from was right. Similar conclusions have been reached by district judges in this circuit. Judge Veeder in the case of the Pampa, 245 Fed. Rep., 137; Judge Mayer in the case of the Haipo, 252 Fed. Rep., 627 and Judge Hough as to the same steamer, February 21, 1919.

The order is affirmed.

21 At a Stated Term of the United States Circuit Court of Appeals, in and for the Second Circuit, held at the Court Rooms in the Post Office Building in the City of New York, on the 24th day of May, one thousand nine hundred and nineteen.

Present:

Hon. Henry G. Ward,
Hon. Henry Wade Rogers,
Hon. Martin T. Manton,
Circuit Judges.

GUISEPPE CAVALLARO, Libellant-Appellant,

v.

S. S. CARLO POMA, Her Engines, etc.; KINGDOM OF ITALY, Claimant-Appellee.

Appeal from the District Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of record from the District Court of the United States, for the Southern District of New York, and was argued by counsel.

On consideration whereof, it is now hereby ordered, adjudged and decreed that the order of said District Court be and it hereby is affirmed with costs.

H. G. W.
H. W. R.

It is further ordered that a Mandate issue to the said District Court in accordance with this decree.

22 [Endorsed:] United States Circuit Court of Appeals, Second Circuit. G. Cavallaro v. "Carlo Poma." Order for Mandate. United States Circuit Court of Appeals, Second Circuit. Filed May 26, 1919. William Parkin, clerk.

23 UNITED STATES OF AMERICA,
Southern District of New York, ss:

I, William Parkin, Clerk of the United States Circuit Court of Appeals for the Second Circuit, do hereby Certify that the foregoing

pages, numbered from 1 to 22 inclusive, contain a true and complete transcript of the record and proceedings had in said Court, in the case of Guiseppe Cavallaro, Libellant-Appellant, against Steamship "Carlo Poma," her engines, etc., Respondent-Appellee, as the same remain of record and on file in my office.

In testimony whereof, I have caused the seal of the said Court to be hereunto affixed, at the City of New York, in the Southern District of New York, in the Second Circuit, this 1st day of August in the year of our Lord One Thousand Nine Hundred and nineteen and of the Independence of the said United States the One Hundred and forty-fourth.

[Seal United States Circuit Court of Appeals, Second Circuit.]

WM. PARKIN,
Clerk.

24 UNITED STATES OF AMERICA, *ss:*

[Seal of the Supreme Court of the United States.]

The President of the United States of America to the Honorable the Judges of the United States Circuit Court of Appeals for the Second Circuit, Greeting:

Being informed that there is now pending before you a suit in which Giuseppe Cavallaro is appellant, and Steamship "Carlo Poma", her engines, etc., is appellee, which suit was removed into the said Circuit Court of Appeals by virtue of an appeal from the District Court of the United States for the Southern District of New York, and we, being willing for certain reasons that the said cause and the record and proceedings therein should be certified by the said Circuit Court of Appeals and removed into the Supreme Court
25 of the United States, do hereby command you that you send without delay to the said Supreme Court, as aforesaid, the record and proceedings in said cause, so that the said Supreme Court may act thereon as of right and according to law ought to be done.

Witness the Honorable Edward D. White, Chief Justice of the United States, the twenty-fourth day of October, in the year of our Lord one thousand nine hundred and nineteen.

JAMES D. MAHER,
Clerk of the Supreme Court of the United States.

26 File No. 27,266. Supreme Court of the United States, No. 511, October Term, 1919. Giuseppe Cavallaro vs. Steamship "Carlo Poma," her engines, etc. Writ of Certiorari. United States Circuit Court of Appeals, Second Circuit. Filed Oct. 30, 1919. William Parkin, Clerk.

27 Circuit Court of Appeals, Second Circuit.

GIUSEPPE CAVALLARO, Libellant-Appellant,

against

STEAMSHIP "CARLO POMA," Her Engines, Boilers, etc., Respondent-Appellee.

It is hereby stipulated and agreed by and between the proctors for the respective parties hereto that the certified transcript of the record in this action filed with the Clerk of the Supreme Court of the United States with the petition for a writ of certiorari to the Circuit Court of Appeals for the Second Circuit may be taken as the return to the writ of certiorari granted herein by the Supreme Court of the United States on the twenty-fourth day of October, 1919.

Dated, New York, October 27, 1919.

HARRINGTON, BIGHAM & ENGLAR,
Proctors for Libellant.

BURLINGHAM, VEEDER, MASTEN & FEAREY,
Proctors for S. S. "Carlo Poma."

28 To the Honorable the Supreme Court of the United States, Greeting:

The record and all proceedings whereof mention is within made, having lately been certified and filed in the office of the clerk of the Supreme Court of the United States, a copy of the stipulation of counsel is hereto annexed and certified as the return to the writ of certiorari issued herein.

Dated, New York, October 30th, 1919.

[Seal United States Circuit Court of Appeals, Second Circuit.]

WM. PARKIN,
Clerk of the United States Circuit Court of Appeals for the Second Circuit.

29 [Endorsed:] United States Circuit Court of Appeals, Second Circuit. Giuseppe Cavallaro v. S. S. "Carlo Poma". Return to Certiorari.

30 [Endorsed:] File No. 27,266. Supreme Court U. S., October Term, 1919. Term No. 511. Giuseppe Cavallaro, petitioner, vs. Steamship "Carlo Poma," her engines, etc. Writ of Certiorari and Return. Filed November 7, 1919.